

MINUTES OF SEA CLIFF VILLAGE BOARD
May 1, 2017

The meeting of the Incorporated Village of Sea Cliff was held on Monday, May 1, 2017, at 5:30 p.m. at Village Hall to discuss various Village matters.

Present: Edward Lieberman, Mayor
 Kevin McGilloway, Deputy Mayor
 Dina Epstein, Village Trustee
 Robin Maynard, Village Trustee
 Deborah McDermott, Village Trustee
 Brian Stolar, Village Attorney
 Marianne Lennon, Village Clerk
 Bruce Kennedy, Village Administrator

The Board discussed the various liaison positions in the Village and the following assignments were discussed:

Mayor Lieberman: Police and Safety, Department of Public Works
Deputy Mayor McGilloway: Library, Museum and Memorial Committee
Trustee Epstein: Environmental Conservation Commission, Tree Committee, Landmark Preservation Commission, Flutterby Garden Committee
Trustee Maynard: Beach, Fire Department, Beautification Committee, Senior Action Committee
Trustee McDermott: Youth Committee, Coalition Against Substance Abuse

The Board discussed a request to install a no parking sign from here to corner on the southwest side of Summit Avenue at the intersection of Central Avenue and Summit Avenue was denied.

The Board discussed various matters regarding safety and traffic concerns around the Village as well as a 25 mph Village wide speed limit. They discussed the creation of a Committee to review traffic conditions.

Trustee Epstein offered the following resolution for adoption:

RESOLUTION NO. 32, YEAR 2017

RESOLVED, that pursuant to Article VIII of Chapter 121, “Tree Preservation and Protection”, of the Village Code, the Inc. Village of Sea Cliff, as owner of property located at Clifton Park, has nominated eight (8) Oak Trees (the “Tree”) on this property, which trees are identified on the application filed on March 3, 2017 and located on the Glen Avenue side of Clifton Park, and

BE IT FURTHER RESOLVED, that the Tree Commission, in writing, confirmed that the Trees meet the qualifications for inclusion on the Village list of heritage trees and recommended to the Board of Trustees that the Trees be added to the Village heritage tree list, and

BE IT FURTHER RESOLVED, that designation as a heritage tree indicates that the trees have unique value or importance in the Village, and further qualifies the Trees as a Class C tree under the tree classification system set forth in Article IV of Chapter 121 with protections afforded a Class C tree, and

BE IT FURTHER RESOLVED, that the protections afforded to the heritage tree apply to any actions that may occur on the premises;

NOW THEREFORE, the Board hereby designates the Eight Oak Trees located at Clifton Park, as indicated on application filed March 3, 2017, as heritage trees, directs the Village Clerk to take such action as necessary to include the Tree on the Village

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heritage tree list and directs the Superintendent of Buildings to identify the Trees as a heritage tree in the property file for Clifton Park.

Seconded by Trustee McDermott and unanimously approved by those present.

On a motion by Trustee Epstein, seconded by Deputy Mayor McGilloway and unanimously approved by those present, the Board accepted a form entitled Procedure for Removing a Tree from Your Sea Cliff Property, and authorized a link be added to the Village website.

Trustee Maynard announced that Yoga lessons will be available to all Sea Cliff Beach members on Saturday's in June from 7:30am to 8:30am.

Mayor Lieberman appointed the following person to the position and term indicated:

Richard Prisco, Village Prosecutor through the balance of the Village's official year. Deputy Mayor McGilloway moved that the appointment made by the Mayor be approved, seconded by Trustee Epstein and unanimously approved by those present.

Deputy Mayor McGilloway offered the following resolution for adoption:

RESOLUTION NO. 33, YEAR 2017

RESOLVED, that the services of the Village Prosecutor be compensated pursuant to the retainer agreement with Richard S. Prisco dated March 30, 2017, and be it further

RESOLVED, that the Mayor is authorized to execute the retainer agreement with Richard S. Prisco, as Village Prosecutor, a copy of which will be affixed to and made a part of these minutes.

Seconded by Trustee Epstein and unanimously approved by those present.

Mayor Lieberman appointed the following person to the position and term indicated:

Benjamin Truncale, Special Counsel for commercial tax certiorari matters through the balance of the Village's official year. Deputy Mayor McGilloway moved that the appointment made by the Mayor be approved, seconded by Trustee Epstein and unanimously approved by those present.

Deputy Mayor McGilloway offered the following resolution for adoption:

RESOLUTION NO. 34, YEAR 2017

RESOLVED, that the Mayor is authorized to execute the retainer agreement dated March 30, 2017 with Benjamin Truncale, a member of the law firm of Spellman Rice Gibbons Polizzi & Truncale, LLP, a copy of which will be affixed to and made a part of these minutes.

Seconded by Trustee Epstein and unanimously approved by those present.

On a motion by Trustee McGilloway, seconded by Trustee McDermott and unanimously approved by those present, the Mayor was authorized to sign a proposal for computer backup hardware and monthly cloud backup for server with Progressive Consulting.

The Board discussed a request from a resident at 431 Carpenter Avenue for permission to extend the curb cut on an existing driveway, which extension is located in the Village right-of-way on Glenola Avenue. On a motion by Deputy Mayor McGilloway, seconded by Trustee McDermott and unanimously approved by those present, the request was granted.

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Trustee Epstein moved for a motion authorizing the Mayor to enter into an agreement with Hefferin Tree & Landscape for the purchase and planting of trees as set forth in Request for Proposal on website.

Trustee Epstein withdrew her motion.

On a motion by Trustee Maynard, seconded by Trustee Epstein and unanimously approved by those present, the Village Administrator was authorized to prepare and publicize a request for proposals for the Reconstruction of the Central Avenue Memorial Staircase.

Trustee Epstein offered the following resolution for adoption:

RESOLUTION NO. 35, YEAR 2017

**ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR
CERTAIN MUNICIPAL BUILDINGS**

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Village of Sea Cliff is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Village of Sea Cliff Board of Trustees desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village of Sea Cliff; and

WHEREAS, the Village of Sea Cliff Board of Trustees desires to establish procedure or guideline for Village of Sea Cliff staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Village of Sea Cliff that is 1,000 square feet or larger in size.

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(5) “Department” shall mean the Building Department.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

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- (i) The status of compliance with the requirements of this Policy; and
- (ii) The building address, primary use type, and gross floor area; and
- (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
- (iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Village of Sea Cliff including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Seconded by Trustee McDermott and unanimously approved by those present.

On a motion by Trustee Maynard, seconded by Trustee Epstein and unanimously approved by those present, the Mayor was authorized to sign the License Agreement with LI Bagel Café for the Sea Cliff Beach Concession.

On a motion by Trustee Maynard, seconded by Deputy Mayor McGilloway and unanimously approved by those present, the amended minutes of April 17, 2017 were approved.

On a motion by Deputy Mayor McGilloway, seconded by Trustee Epstein and unanimously approved by those present, Abstract No. 4.04.2017 AP in the amount of \$187,940.20 was approved.

Deputy Mayor McGilloway offered the following resolution for adoption:

RESOLUTION NO. 36, YEAR 2017

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Following the Village's commitment of preserving our historic resources as outlined in the Landmarks Preservation Law, be it

RESOLVED, that Edward Lieberman, as Mayor of the Village of Sea Cliff, is hereby authorized and directed to apply on behalf of the Village for funding through the Consolidated Funding Application for the rehabilitation of the Sea Cliff Fire Department windows and façade.

Seconded by Trustee Maynard and unanimously approved by those present.

Trustee Epstein offered the following resolution for adoption:

RESOLUTION NO. 37, YEAR 2017

RESOLVED, that the Board hereby finds and concludes:

- That the implementation of the Unified Solar Permit
- a. is an Unlisted action under the State Environmental Quality Review Act and its regulations;
 - b. the Board is the lead agency with respect to environmental review of this proposed action;
 - c. the Board has considered the following factors in respect to its review of the environmental impacts of the proposed action:
 - i. whether the proposed action would result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, or any substantial increase in solid waste production, or create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
 - ii. whether the proposed action would result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
 - iii. whether the proposed action would impair the environmental characteristics of any Critical Environmental Area;
 - iv. whether the proposed action would conflict with the community's current plans or goals as officially approved or adopted;
 - v. whether the proposed action would impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
 - vi. whether the proposed action would result in a major change in the use of either the quantity or type of energy;
 - vii. whether the proposed action would create a hazard to human health;
 - viii. whether the proposed action would create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or its capacity to support existing uses;
 - ix. whether the proposed action would encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
 - x. whether the proposed action would create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when considered together would result in a substantial adverse impact on the environment;
 - xi. whether the proposed action would create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
 - xii. whether the proposed action would result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water

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supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;

- d. the proposed action would not have a significant adverse environmental impact; and
- e. no further environmental review is required with respect to the proposed action.

And be it further

RESOLVED, to authorize the Mayor to sign the Short Environmental Assessment Form as Lead Agency indicating that there would not be the potential for a significant negative environmental impact.

Seconded by Deputy Mayor McGilloway and unanimously approved by those present.

On a motion by Trustee Epstein, seconded by Trustee McDermott and unanimously approved by those present, the Facility Use Permit submitted by the Sea Cliff Arts Council to close Sea Cliff Avenue from Roslyn Avenue to Main Avenue on Sunday, June 11, 2017 with a rain date of Sunday, June 18, 2017 from 8:00am to 6:00pm was approved.

On a motion by Trustee Epstein, seconded by Deputy Mayor McGilloway and unanimously approved by those present, the Facility Use Permit submitted by the Sea Cliff Civic Association, to use Elm Park on June 21, 2017 from 6:00pm to 7:00pm was approved.

On a motion by Trustee McDermott, seconded by Trustee Maynard and unanimously approved by those present, the Facility Use Permit submitted by the Sea Cliff Civic Association to use the Sea Cliff Beach from 10:30am to 11:00am on July 11, July 18 and July 25, 2017 was approved.

On a motion by Trustee McDermott, seconded by Deputy Mayor McGilloway and unanimously approved by those present, the Facility Use Permit submitted by the Sea Cliff Civic Association to use Roslyn Park on August 27, 2017 from 7:00pm to 9:00pm was approved.

On a motion by Trustee Maynard, seconded by Trustee McDermott and unanimously approved by those present, the Facility Use Permit submitted by the Sea Cliff Civic Association to use Memorial Park on Thursday's, from June 29, 2017 thru August 31, 2017 from 7:00pm to 9:00pm was approved.

On a motion by Trustee Epstein, seconded by Deputy Mayor McGilloway and unanimously approved by those present, the request of Daniel Roth, premises located at 225 Sea Cliff Avenue, for a special temporary license for Wednesday, May 24, 2017 for live music be granted and, that the Board waive the requirement of a public hearing for the special temporary license and approved the issuance of a special temporary license for live music to be played at Still Partners, on Wednesday, May 24, 2017 from 7:00 pm to 11:00 pm subject to the same terms and conditions as set forth in the current cabaret license.

On a motion by Deputy Mayor McGilloway, seconded by Trustee Epstein and unanimously approved by those present, the Board went into Executive Session for legal advice and to discuss pending litigation at 9:14pm.

On a motion by Deputy Mayor McGilloway, seconded by Trustee Epstein and unanimously approved by those present, the Board came out of Executive Session at 9:42pm.

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The Board has discussed on several occasions a request made by the homeowners of 93 Central Avenue to vacate or extinguish deed conditions and restrictions running to the favor of the Village. On a motion by Trustee McDermott, seconded by Trustee Epstein and unanimously approved by those present, the request was denied.

Adjourned: 9:43pm.

Marianne Lennon
Village Clerk